

CCLD REVIEW

Construction Codes and Licensing Division • Minnesota Department of Labor and Industry • Fall 2018

Fall seminar: Ventilation and fire suppression for commercial kitchens

DLI's Fall Seminar Series about commercial kitchen ventilation provisions and fire protection of commercial kitchen hoods and cooking equipment kicks off Oct. 2, 2018.

Morning topic: Commercial kitchen hood and ventilation requirements of the 2015 Minnesota Mechanical Code and NFPA Standard 96, including commonly misunderstood code provisions and industry-accepted standards.

Afternoon topic: Commercial kitchen hood fire suppression provisions of the 2015 Minnesota Building Code and 2015 Minnesota Fire Code and requirements of applicable NFPA and UL standards.



Continuing education credit

Building officials and plumbers receive six hours of continuing education credit (non-plumbing code credit).

When and where

8 a.m. to 3:30 p.m., Oct. 2-25, 2018, at locations throughout Minnesota.

Register

View locations and register at <https://secure.doli.state.mn.us/events/events.aspx?eid=122>.

Questions?

Contact Tim Manz at timothy.manz@state.mn.us or 651-284-5590.

Building Official Limited and Accessibility Specialist Training Program

The next training program for prospective building official limited and accessibility specialists is Oct. 29, 2018, at DLI's St. Paul office. The training prepares individuals for a career in the building code enforcement industry.

The building official limited course is five days and includes accessibility specialist training. The accessibility specialist segment is one day and covers building code accessibility requirements.

Are there prerequisites required to attend the building official limited training?

Yes, at least 30 points are required to attend the building official limited training. Points are awarded as shown on the second page of the [Municipal Building Official Certification Examination Application](#).

Is there a prerequisite to attend the accessibility specialist training?

No, but the exam application, fee and course enrollment forms must be submitted.

Applicants can find the required forms to submit prior to the program start at www.dli.mn.gov/workers/building-officials.

Council reviews I-Codes, recommends adoption

Following recommendations from advisory groups, DLI has begun the adoption process for the 2018 I-Codes and the administrative requirements of the State Building Code.

The Construction Codes Advisory Council (CCAC) met June 21, 2018, to review a report from Technical Advisory Groups about seven of the 2018 I-Codes and the administrative requirements of the State Building Code. With the exception of the model residential energy code, the CCAC recommended DLI move forward with the adoption of the 2018 I-Codes with amendments and revisions to the administrative requirements of the State Building Code.

The CCAC will review the model residential energy code at a later meeting following the U.S. Department of Energy's determination regarding energy efficiency of the 2018 Residential Energy Code.

Rulemaking process

DLI recently began the formal rulemaking process to adopt the I-Codes by publishing a Request for Comments in the State Register. Follow the rulemaking process and view rulemaking dockets at www.dli.mn.gov/about-department/rulemaking/construction-codes-and-licensing-rulemaking.

Submit comments about a code or rule by sending an email to dli.rules@state.mn.us. Please include the rule chapter number in the email subject line.

Schedule of board and council meetings

Below is a schedule of board and council meetings at DLI. Visit www.dli.mn.gov/about-department/boards-and-councils to view meeting minutes, agendas, rulemaking documents and schedules for these meetings and additional boards and councils.

Board of Electricity

- Oct. 9, 2018

Board of High-Pressure Piping

- Oct. 11, 2018

Plumbing Board

- Oct. 16, 2018

Rulemaking notices

Sign-up to receive notices of agency rule proceedings from DLI. Visit www.dli.mn.gov/about-department/rulemaking for details and to register.

CCLD Review is a quarterly publication of the Minnesota Department of Labor and Industry.

Receive email notification when an issue is available by [subscribing online](#).

Contact information

CCLD main contact info

Phone: (651) 284-5012
Toll-free: 1-800-657-3944
Fax: (651) 284-5746

Visit the [Contact Us](#) page

Licensing information

DLI.License@state.mn.us

Business/contractor licenses and bonds:

(651) 284-5034
(Including: electrical, HPP, plumbing, residential, manufactured structures, mechanical bonds, technology system, water conditioning)

Personal licenses and

certificates:

(651) 284-5031
(Including: boiler engineers, electricians, plumbers, power limited technicians, pipefitters, unlicensed individuals, building officials)

Electrical information

Phone: (651) 284-5026
Fax: (651) 284-5746
DLI.Electricity@state.mn.us

Boiler, high-pressure piping, boats-for-hire inspection

Phone: (651) 284-5544
Fax: (651) 284-5737
DLI.Code@state.mn.us

Plumbing information

Phone: (651) 284-5063
Fax: (651) 284-5748
DLI.Plumbing@state.mn.us

License enforcement details

Phone: (651) 284-5069
Fax: (651) 284-5746
DLI.Contractor@state.mn.us

Contractor registration

Phone: (651) 284-5074
DLI.register@state.mn.us

Apprenticeship program to help train prospective building officials

DLI's Construction Codes and Licensing Division is in the process of developing a building official apprenticeship program — the first of its kind in the nation.

There is a growing concern whether a sufficient number of new skilled workers will enter the construction industry workforce. This shortfall includes building code officials to serve the regulatory portion of the industry. A 2014 survey shows that the average Minnesota building official is between 55 and 64 years old and plans to retire sometime within the next 10 years. This new apprenticeship program is one way Minnesota is working to ensure individuals will continue to enter into these fields that help ensure the public's health, safety and welfare through effective building code enforcement.

CCLD officials met recently with Jay Elbetta, president of the International Code Council (ICC), to share plans for the building official apprenticeship program. Elbetta and his team offered their support and encouragement to help make the program a success.

Scott McLellan, director of CCLD, also highlighted the program at DLI's 2018 Building Official Forum in Alexandria. Feedback from attendees was very positive and generated interest from cities that want to participate.

Next steps

The next goal for the program is to become registered in Minnesota as a recognized apprenticeship program. Once done, the application process will begin for both potential apprentices and municipalities. An official kick-off date has not yet been determined, but it is anticipated to occur sometime during the first quarter of 2019.

Questions?

- Eileen McNiff: eileen.mcniciff@state.mn.us, 651-284-5859
- Scott Wheeler: scott.wheeler@state.mn.us, 651-284-5876

New program offers help to strengthen building departments

DLI's Construction Codes and Licensing Division, Code Administration Services Section, has developed a new mentoring and assistance program to help building departments, building officials, inspectors and other staff with their administration of the State Building Code.

Your building department may receive a call from DLI's code administration representatives about scheduling a visit to share more information about the program. The code administration representative will collaborate with your department about questions that you may have, ideas and related information to help with developing specific skills and knowledge that will enhance your building department. This program was created to be a benefit to everyone in the building code industry administering the State Building Code.

Questions?

Contact one of our code administration representatives below with questions about this program and to set up a meeting time.

Jake Depuydt: jake.depuydt@state.mn.us, 651-284-5963 Tom Gray: thomas.gray@state.mn.us, 651-284-5281
Mike Fricke: mike.fricke@state.mn.us, 651-284-5841 Doug Nord: doug.nord@state.mn.us, 651-284-5838

New law affects contractors who perform storm repairs

Notice about the law must be included in initial estimate from contractors

What changed?

State law prohibits contractors from offering to pay homeowners' insurance deductibles or offering anything of value as encouragement to enter into a contract to repair damage covered by an insurance claim. A new law (effective since Aug. 1, 2018) requires that contractors include a written notification about the law in their "initial estimate." The "initial estimate" also includes price agreeable contracts.

Insurance companies are required to provide a similar written notice to homeowners in their initial correspondence about a claim.



Why the change?

- Many contractors who have complied with the law that prohibits paying deductibles have lost business to contractors who illegally offer to pay deductibles or offer rebates or upgrades.
- Homeowners are unclear about this law and some still expect their contractor to help with insurance deductible costs. This new law provides contractors with solid information to show that this practice is illegal.

What do I need to do?

- If your company does not perform insurance repair to homes, you do not need to do anything as this law does not affect your business.
- If you do perform insurance repair work, you will need to update your contracts to include a written notification about the law that prohibits paying deductibles.
- The notification can be included in the contract document or provided to the customer as a separate document.

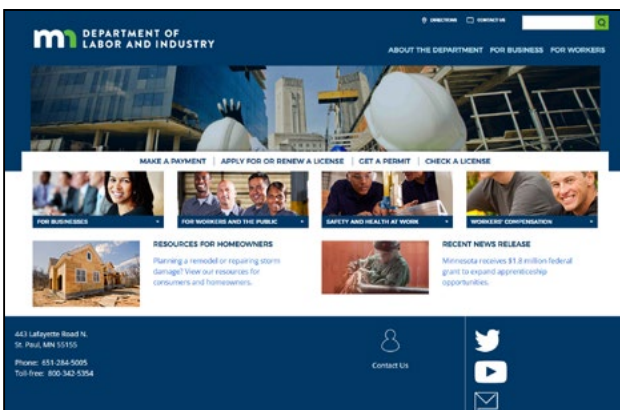
What should the notification include?

The law does not require specific language, but we suggest the following:

State law (Minn. Stat. § 325E.66) prohibits contractors from offering to pay a customer's insurance deductible or offering anything of value as an inducement to enter into a contract for home repairs that are to be paid for as a part of an insurance claim. Contractors who make such an offer are subject to public enforcement action by the Minnesota Department of Labor and Industry, including fines of up to \$10,000 per violation.

Questions?

Contact us at 651-284-5069 or dli.contractor@state.mn.us.



DLI launches new website

DLI has developed and built a new website that is citizen focused, mobile friendly and presented in a consistent format.

The **design and layout of the new site** was based on the types of users who visit the site most frequently and was customized to ensure search engines can find the content much more easily.

The goal of this website rebuild was to help the agency's visitors find what they seek and successfully complete a transaction.

Use of Contractor Recovery Fund safety net continues to grow

Payout cap recently raised to meet increased need from homeowners

DLI continues to see an increase in the amount of out-of-pocket loss suffered by homeowners from contractors.

One option available to homeowners who suffer a loss is the Contractor Recovery Fund. This resource compensates homeowners or lessees of residential property who suffer a loss due to a licensed contractor's failure of performance or fraudulent, deceptive or dishonest practices.

The payouts from the fund to homeowners are capped for each licensed contractor. To help meet the increased need from homeowners, that amount was recently increased from \$150,000 to \$300,000. The increase does not require any additional licensing fees from contractors.

From 2012 through 2017, 542 homeowners were compensated a total of \$8.6 million through this fund.

Questions?

Read more or submit a claim at www.dli.mn.gov/workers/homeowners/contractor-recovery-fund.

Company ordered to repay more than \$1.5 million to customers

- In March 2018, CCLD issued a licensing order against a licensed electrical contractor, and its owner, a licensed master electrician. The order seeks the revocation of the contractor license and owner's master electrician license and \$50,000 in fines. A contested case hearing was conducted in August and CCLD is awaiting the administrative law judge's recommendation.



Enforcement actions

View enforcement and license actions levied against licensees.

In addition to the administrative action, CCLD filed a civil lawsuit against the company and its owner in Ramsey County District Court seeking to prevent them from soliciting more business and requiring them to pay restitution to their victims. On Sept. 14, 2018, a judge ordered the contractor and its owner to pay more than \$1.5 million in restitution to their victims and ordered them not perform electrical work in Minnesota.

- A licensed Prior Lake electrical contractor appointed individuals not eligible to act as the responsible licensed individual for the contractor's license. Additionally, the contractor directed unregistered, unlicensed, and unsupervised employees to perform electrical work on its behalf. The contractor failed to fully cooperate with DLI's investigation. The contractor's license was revoked, it was ordered to cease and desist from engaging in electrical contracting, and fined \$10,000.
- An unlicensed Big Lake contractor contracted with a homeowner to remodel a basement. The scope of the project included electrical work, framing, drywall, ceiling installation and plumbing. The contractor advertised on Facebook and displayed numerous finished projects. Additionally, the contractor displayed yard signs and other advertisements falsely claiming to be licensed. The contractor also failed to cooperate with DLI's investigation, resulting in an order directing the contractor to cease and desist from further unlicensed activity and fined \$10,000.

More information

View summaries of enforcement actions at www.dli.mn.gov/workers/homeowners/file-complaint. Questions about specific enforcement actions should be directed to 651-284-5069 or dli.contractor@state.mn.us.

Requirements for used container boxes re-purposed as buildings

Minnesota has started to see an influx of shipping container boxes being converted into buildings for various uses and occupancies.

Minnesota is a member of the Interstate Industrialized Building Commission (IIBC), and according to IIBC rules and regulations and the Minnesota State Building Code (MSBC), units of this type are considered closed construction and must have IIBC approval and be labeled. The container must contain an IIBC data plate that indicates the occupancy, construction type, roof-floor loading and codes to which the units were constructed.



Used shipping containers must meet specific requirements before being re-purposed as buildings in Minnesota.

Shipping container boxes have been moved into areas of Minnesota without proper certification (inspection and labeling) for various occupancies. Used container boxes that are converted and not labeled are subject to the local authority having jurisdiction for acceptance and use. An owner may indicate that the unit meets ICC Evaluation Report #AC462. That report is for the steel only that was used in making the container and does not include the design for live and dead loads or for openings cut into the units.

Any shipping container used as a building or other structure regulated by the code must comply with all requirements of the MSBC. All non-IIBC0-labeled shipping containers are required to be designed by a Minnesota-licensed design professional. The design must include, at a minimum: occupancy classification, construction type, live loads, dead loads, roof-floor loads, thermal transmittance values, footing-foundation, including anchorage/attachment and the applicable name and date of the building codes used.

Questions?

Contact DLI's Manufactured Structures staff at 651-284-5092 or www.dli.mn.gov/about-department/our-areas-service/phone-and-email-directory#manu.

Manufactured home manuals available by request

If a building official, consumer, manufactured home dealer or installer requires a copy of an installation manual for a used manufactured home, please send an e-mail request to:

- Matt Schowalter: matt.schowalter@state.mn.us
- Herman Hauglid: herman.hauglid@state.mn.us
- Randy Vogt: randy.vogt@state.mn.us

Please include in your request the brand/model of home and the date of manufacture.

Read more about manufactured structures at www.dli.mn.gov/business/manufactured-structures.

Stay in touch with DLI news



Stay up-to-date with DLI by signing up for newsletters and email lists. Some of the topics include:

- building officials
- permit technician news
- labor standards
- rulemaking
- workers' compensation
- prevailing wage
- apprenticeship
- and more.

Sign up at
www.dli.mn.gov/about-department/news-and-media

Accessibility for apartments on a single property

What are the thresholds for accessibility in R-2 apartment type dwelling units on a single property?

Multi-story units without elevator service are not required to be Type B. (Minnesota Accessibility Code Section 1107.7.2)

- **Three or fewer units:** No requirements
- **Four to six units:** At least one story containing dwelling units must be provided with an accessible entrance from the exterior and all units on that story must be Type B units. Units on other stories are only required to be Type B if elevator service is provided to that story, or if the story is provided with an accessible entrance from the exterior.
- **Seven or more units:** At least two percent of the units must be Type A. At least one story containing dwelling units must be provided with an accessible entrance from the exterior and all units on that story must be Type A or Type B units. Units on other stories are only required to be Type B if elevator service is provided to that story, or if the story is provided with an accessible entrance from the exterior. Stories with more than 30 occupants must have an accessible route to them.
- **150 or more units:** Not less than one of the Type A units must be provided with a roll-in shower.



Apartment buildings with different amounts of dwelling units have specific accessibility requirements.

Type A units are loosely termed “highly adaptable” and all of their primary functions are accessible or readily adapted. Type B units are loosely termed “adaptable” and have an accessible route to all of their primary function areas. Definitions about each type of unit are found in the Minnesota Accessibility Code.

If there is a multi-story building containing R-2 apartments and there are more than six dwelling units, at least one will be on an accessible story and at least one will be a Type A unit. If there are other units on that story, they will be Type B units, unless they are multi-story units in which case the level within the units that is not accessible is not required to be Type B.

Refer to the Minnesota Accessibility Code Section 1107.6.2 and 1107.7 for more specific criteria. It is a common mistake to refer to Tables 1107.6.1.1 and 1106.1.1.2, but they are not scoped from the R-2 Apartments section of the code.

Questions? Contact us at www.dli.mn.gov/about-department/our-areas-service/phone-and-email-directory.

Free on-site safety and health consultations available

DLI offers a free consultation service called MNOSHA Workplace Safety Consultation to help employers find out about potential hazards at their worksites, improve safety management systems and apply for grants to abate safety standards.

The program targets small, high-hazard businesses. It is separate from the OSHA Compliance inspection activities and no citations are issued as part of a consultation visit.

Learn more and request a consultation

- On the web: <http://workplace.doli.state.mn.us/consultation/>
- Email: osha.consultation@state.mn.us
- Call: 651-284-5060



Minnesota represented at national electrical meeting

Staff from DLI recently attended a meeting of the National Electrical Reciprocal Alliance (NERA).

NERA consists of 17 member states that promote reciprocity among member states based on similar, complimentary and interchangeable requirements for licensed individuals through reciprocity agreements between comparable states.

Minnesota was represented by Steve Dudley, DLI electrical representative, at NERA's annual meeting in Eagle, Idaho, Aug. 14-15, 2018.



DLI's Steve Dudley (first row, fifth from right) represented Minnesota at the annual NERA meeting Aug 14-15, 2018, in Eagle, Idaho.

Meeting topics included:

- Qualification requirements for reciprocity.
- How to help eliminate any difficulties with reciprocity, and how to respond more efficiently through reciprocity especially during times of natural disasters or other emergencies.
- Compare experience requirements to be eligible to take and exam for a license for each state.
- Criminal background checks for licensed individuals required by some states.
- Standardization of journeyworker exams by developing a NERA exam bank of questions to be used by all member states. This bank of questions would be developed by the participating members and available for each state to develop exams that would remain unique to each state, and allow each state to retain ownership of their exams.
- How to bring more states into the alliance by examining the licensing requirements nationwide.
- Proposals for the 2020 National Electrical Code.

Electrical requirements for moved buildings and structures

Except for energy code compliance, buildings or structures that are moved into or within a jurisdiction are treated as new buildings. (Minnesota Rules, Chapter 1300.0220, Subpart 4).

The existing wiring in a moved building is not automatically required to be removed and replaced with new wiring. If the existing wiring is in good condition and there is no evidence of damage, disrepair or overloaded circuitry, the existing wiring may be acceptable.

For more information, view electrical installation requirements at www.dli.mn.gov/sites/default/files/pdf/eli_bulletin_move.pdf.

For more information about electrical installations and interpretations, view our electrical codes and standards resources at www.dli.mn.gov/business/electrical-contractors/electrical-codes-and-standards.

Questions? Contact us at dli.electricity@state.mn.us.

Find code requirements online

Visit our one-stop "Local Code Lookup" – online at <http://workplace.doli.state.mn.us/jurisdiction> – to find local code requirements and code inspectors in one place.

The online search tool helps users find which code authority has local jurisdiction for permits, plan review and inspection in the areas of boilers, building codes, electrical, elevators, high-pressure piping, plumbing or other Minnesota construction codes and licensing disciplines.

Plumbing frequently asked questions and answers

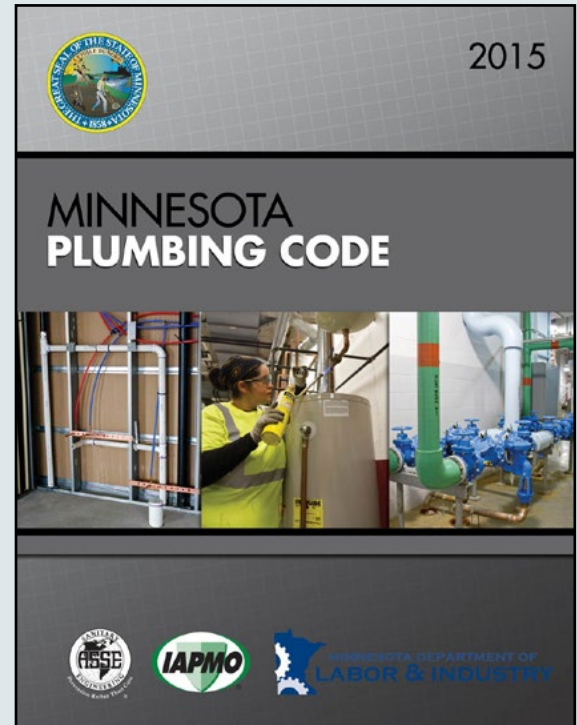
PLUMBING CODE:

Do all plumbing materials or products have to be listed to a nationally recognized third party for compliance with standards referenced in the Minnesota Plumbing Code?

Code Section 301.1 requires that all pipe, pipe fittings, traps, fixtures, material and devices used in a plumbing system:

1. be listed or labeled (third-party certified) by a listing agency;
2. comply with the approved applicable recognized standards referenced in this code; and
3. be free from defects.

A product that is listed with an approved listing agency ensures that the product has been manufactured to the appropriate standard adopted in the code. Unless otherwise provided for in this code, all other plumbing products or materials used in the construction of plumbing systems that are not code approved must be submitted to the administrative authority to be reviewed for consideration as an alternate material or method under 301.2 prior to installation. Final acceptance of the alternate plumbing materials or products are subject to approval by the administrative authority.



The following is a clarification of a plumbing question-and-answer published in the spring 2018 CCLD Review newsletter.

Can a hot water tempering device listed to Standard ASSE 1017, ASSE 1070, or CSA B125.3 be used to limit a maximum water temperature of 110 F serving public-use lavatories to meet Plumbing Code Section 421.2?

The answer should have included the proper referenced editions of the standards of ASSE 1017, 1070 and CSA B125.3 in the code. The answer to this question has been clarified to read:

Thermostatic mixing devices listed to ASSE 1017-2009 are designed and intended to provide thermostatic mixing at the heating source rather than the point of use protection, and therefore, are not approved for public-use lavatories. Devices listed to the most current standard CSA B125.3, 2018 edition, are also not approved because the 2018 edition has removed the temperature limiting protection requirements necessary to provide the correct protection.

Thermostatic mixing devices listed to Standard ASSE 1070, 2004 edition, or CSA B125.3, 2005 edition, are code-approved for public-use lavatories meeting the requirements of Section 421.2. Other editions such as standards CSA B125.3, 2012 edition, and harmonized ASSE 1070/ASME A112.1070/CSA B125.70, 2015 edition, may be considered as alternates by the administrative authority. For more information about these referenced code standards, see Chapter 14 and Section 421.2 for public lavatories in the 2015 Minnesota Plumbing Code.